REMARKS/ARGUMENTS:

Claims 1-3 have been amended. No claims have been cancelled new claim 6 has been added. Claims 1-6 are pending in this application.

The amendments to claim 1 include correction of a typographical error and introduction of the feature of original claim 2 which itself has been amended to recite a particular implementation of claim 1; the amendment of claim 3 is for the purpose of clarification only, and is not intended to narrow the scope of the claim.

Claim Rejections under 35 US 103

Claims 1 and 3-5 have been rejected under 35 U.S.C. 103(a) as unpatentable over US Patent 5,727,163 (Bezos) in view of US Published Application 2002/0080950 filed 12/21/2000 (Keko). Claim 2 has been rejected under 35 U.S.C. 103(a) over Bezos in view of Keko and further in view of US Patent 6,170,014 (Darago).

The test for obviousness under 35 U.S.C. §103 is whether the claimed invention would have been obvious to those skilled in the art in light of the knowledge made available by the references. *In re Donovan,* 184 USPQ 414, 420, n. 3 (CCPA 1975). It requires consideration of the entirety of the disclosures of the references. *In re Rinehart,* 189 USPQ 143, 146 (CCPA 1976). All limitations of the claims must be considered. *In re Boe,* 184 USPQ 38, 40 (CCPA 1974). In making a determination as to obviousness, the references must be read without benefit of Applicants' teachings. *In re Meng,* 181 USPQ 94, 97 (CCPA 1974). In addition, the propriety of a §103 rejection is to be determined by whether the reference teachings appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed substitution, combination, or other modifications. *In re Lintner,* 173 USPQ 560, 562 (CCPA 1972).

Without concurring with the Examiner's interpretation of Bezos or of Keko, the Examiner's reliance on Darago is misplaced and the rejection of claim 2 based on Darago is traversed. Amended claims 1 and 2 are believed to be patentable over Bezos, Keko and Darago.

In relying on Darago, the Office Action states:

> *"Bezos does not specifically disclose the use of a firewall in connection with a credit card number. Darago discloses this limitation at Co. 22, lines 13-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bezos to perform credit card number operations within the firewall of Darago because this would enhance security of such numbers, as set forth by Darago in the cited passage."*

When determining the patentability of a claimed invention which combines known elements, the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Ecolochem Inc. v. Southern California Edison,* 56 USPQ2d 1065, 1073 (Fed. Cir. 2000). In other words, there must be something in the teachings of cited references to suggest to an individual skilled in the art that a claimed invention would be obvious. *W L.* Gore *and Associates v. Garlock, Inc.,* 220 USPQ 303 (Fed. Cir. 1983). This position was reaffirmed in the case of *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.,* 43 USPQ 2d 1294 (Fed. Cir. 1997).

In accordance with the current state of the law, when determining the patentability of a claimed invention which combines two known elements, the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Ecolochem Inc. v. Southern California Edison, 56* USPQ2d *1065,* 1073 (Fed. Cir. 2000). In other words, there must be something in the teachings of cited references to suggest to an individual skilled in the art that a claimed invention would be obvious. *W. L. Gore and* Associates *v. Garlock, Inc.,* 220 USPQ 303 (Fed. Cir. 1983); *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.,* 43 USPQ 2d 1294 (Fed. Cir. 1997). A concrete suggestion must be present in the cited art for a proper obviousness rejection to be made. *C.R. Bard Inc. v. M3* Systems *Inc., 48* USPQ 2d 1225 (Fed. Cir. 1998).

Darago's only mention of "firewalls" appears at col. 22, lines 34-38, in the following terms:

> "Firewalls, encryption, and other means can also be used to protect credit card numbers of users in time-limited secure transactions without reducing security to allow continual courseware 400 usage from the same server 108."

Thus, in Darago no concrete disclosure or suggestion is seen as to how firewalls might be used in Darago's system let alone in Bezos system, and, as the Examiner correctly concedes, Bezos is silent in this respect. Likewise, nothing in Bezos, Keko or Darago suggests the feature of claim 1: ". . . entering the credit card number into an online database thereby enabling the user to use the credit card number, without the user entering the credit card number, the next time the user visits the web page" or the feature of claim 2: ". . . where the credit card number is entered into the online database from the inside of a firewall." Consequently, the Examiner's reliance on Darago falls far short of meeting the requirements for establishing a prima facie case of obviousness under 35 U.S.C. 103 and the rejection of claims 1 and 2 should be withdrawn.

Claims 3-5 are dependent on claim 1 and should be allowable, as should new claim 6, at least for the reasons discussed above in relation to claim 1.

CONCLUSION.

Favorable consideration and early allowance of all the pending claims are respectfully solicited. If there are any remaining issues that could be resolved by discussion, a telephone call to the undersigned attorney at (972) 862-7428 would be appreciated.

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